

**REMARKS**

Favorable action on the merits is solicited.

**I. CLAIM STATUS AND AMENDMENTS**

Claims 12-22 were pending in this application when last examined and stand rejected. Claim 12 was also objected to.

Claim 12 is amended to better distinguish over the cited references. Support can be found in the disclosure, for example, at page 2, lines 7-16 and lines 22-31, page 4, lines 1-3, Figures 1-7, and original claim 1.

Claims 12-22 are also amended in a non-narrowing manner to make minor editorial revisions to better conform to U.S. claim form and practice. Such revisions are non-substantive and not intended to narrow the scope of protection. Such revisions include: replacing the "characterized by" language with "wherein"; revising the beginning of the claims to recite "A" or "The" and revising the claim language to provide proper antecedent basis throughout the claims.

New independent claim 23 has been added that corresponds to claim 12, but further distinguishes over the cited prior art references. Support can be found in the disclosure, for example, at page 2, lines 7-16 and lines 22-31, page 4, lines 1-3, Figures 1-7, and original claim 1.

Claims 12-23 are pending upon entry of this amendment.

No new matter has been added by the above claim amendments.

The specification is amended to include appropriate section headings to conform to U.S. practice. No new matter has been added.

## **II. CLAIM OBJECTION**

Claim 12 was objected to for the word "type" in the phrase "piezoelectric type lighter" for the reasons in item 1 on page 2 of the Office Action.

The present amendment overcomes this objection by amending the claims to delete "type" from the claims. Withdrawal of the objection is requested.

## **III. PRIOR ART REJECTIONS**

Claims 12, 14-16, and 18-22 were rejected under 35 U.S.C. § 102(b) as anticipated by SHER (US 6,478,575) for the reasons in item 3 on pages 2-5 of the Office Action.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being obvious over SHER in view of CHEN (US 6,135,761) for the reasons in item 5 on pages 5-6 of the Action.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being obvious over SHER in view of LEI (US 6,039,561) for the reasons in item 6 on pages 6-7.

These rejections are respectfully traversed and will be discussed together below as SHER is the primary reference used in each rejection.

Applicants respectfully submit that the prior art rejections should fall, because neither SHER, nor CHEN, nor LEI, nor any combination thereof, disclose or suggest each and every element of independent claim 12. Specifically, claim 12, as amended, recites:

A piezoelectric lighter comprising a flame-generation device which comprises a mechanism for releasing a jet of gas and a piezoelectric mechanism for generating a spark, wherein the lighter comprises two actuators able to make a pivoting movement under the action of a force applied by a user, at least one of said actuators, referred to as the first actuator, being adapted to move independently of the second actuator and to act on at least one of said mechanisms, referred to as the first mechanism, the first actuator being able to make only a pivoting movement under the action of the force applied by said user between a first resting position and second active position, in which said first actuator is adapted to act on at least said first mechanism, the second actuator being able to make only a pivoting movement under the action of the force applied by said user between the first resting position and the second active position in which said second actuator is adapted to act on the second mechanism, the lighter being adapted to generate a flame externally of the lighter when the two actuators have pivoted.  
[Emphasis added.]

As can be seen, in the claimed lighter, each of the two actuators makes only a pivoting movement and is adapted so that the lighter can generate a flame thanks only to the pivoting movement of both actuators. In other words, the claimed lighter only generates a flame when the two actuators (which only move pivotably) have pivoted. None of the cited prior art references disclose or suggest this feature of claim 12.

Starting with SHER, this patent discloses a piezoelectric lighter comprising two actuators. A first actuator is a press button 71 that is displaced longitudinally (see, in particular, Fig. 7). This press button 71 acts on the mechanism for releasing a jet of gas when it is displaced longitudinally.

The lighter in SHER also comprises a second actuator (cap 41), which is capable of being pivoted (see Figs. 7 and 8), and which acts on the piezoelectric mechanism for generating a spark.

As depicted in Fig. 7, the lighter in SHER can be ignited only when the first actuator 71 is pressed longitudinally (as indicated by one of the arrows) and simultaneously when the second actuator 41 makes a pivoting movement (along the direction indicated by the other arrow). Thus, it is clear that the first actuator 71 in SHER has a longitudinal movement. As such, it cannot be an actuator that

moves only pivotably as required in independent claim 12 of the present application.

Thus, the lighter in SHER is not one having two actuators that only make a pivoting movement under the action of the force applied by said user as required by claim 12.

Clearly this arrangement in SHER contrasts the lighter of claim 12 of the present application, which requires both actuators to only make a pivoting movement upon user force.

Further, there is no suggestion in SHER that both actuators move only pivotably and that the lighter only generates a flame when both actuators have pivoted as required in claim 12.

A further difference between SHER and the claimed lighter is as follows: It is noted that the movement which is required to ignite the lighter in SHER is much more complicated for an authorized user, since it requires the user to exert two different movements along two perpendicular directions with only one finger, generally the thumb. This stands in contrast to the lighter of the present invention. The lighter of the present invention has relative easiness of use for an authorized user, while at the same time it cannot be easily ignited by unintended users, such as children. This is so because it requires the two actuators to be pivoted in

order to trigger both the mechanism for releasing a jet of gas and the piezoelectric mechanism for generating a spark.

Accordingly, the claimed lighter is a safer lighter for unintended users, whereas it does not require much effort from authorized users. This contrasts the tremendous efforts to implement the lighter described in SHER.

For the above reasons, SHER cannot be said to disclose or suggest each and every element of claim 12, as required for anticipation and obviousness. Consequently, SHER cannot anticipate nor render obvious claim 12.

The secondary references of CHEN and LEI fail to remedy the above-noted deficiencies in SHER, because neither reference discloses a lighter having two actuators which make each only a pivoting motion, enabling the ignition of the lighter only when the two actuators have pivoted.

LEI relates to a lighter employing longitudinal motion. CHEN relates to a lighter employing a combination of a pivoting motion and longitudinal displacement. However, neither discloses or suggests a lighter having two actuators that make only a pivoting movement under the action of the force applied by the user as required in claim 12, whereby a first acts on at least said first mechanism and the second actuator acts on the second mechanism. Nor do they disclose the lighter being adapted to generate a flame externally of the lighter when the two actuators have pivoted.

There is no suggestion in the references to modify their teachings to arrive at the claimed lighter. Nor has a rationale been provided by the Office to combine and modify these teachings in such a way to arrive at the claimed lighter.

Thus, the prior art references relating to a combination of longitudinal and pivoting motion (SHER), a longitudinal motion (LEI), a combination of a pivoting motion and longitudinal displacement (CHEN), do not provide any suggestion/motivation to one skilled in the art to have two actuators that only make a pivoting movement.

For these reasons, it is clear that the cited prior art references, when taken alone or any combination thereof, fail to disclose or suggest each and every element of claim 12.

Thus, the cited prior art references clearly do not anticipate nor render obvious claim 12 or claim 23. Therefore, claim 12 and all claims dependent thereon are novel and patentable over the cited references.

Withdrawal of the above-noted prior art rejections is respectfully requested.

For the same reasons, the cited prior art references also fail to disclose or suggest the feature of new independent claim 23, which requires "the first and second actuator, the gas release jet mechanism, and the piezoelectric

mechanism are interconnected so that the piezoelectric mechanism produces a flame external to the lighter only upon the pivotable motion of both the first and second actuator." This arrangement is nowhere disclosed or suggested in SHER, CHEN and LEI. Thus, new claim 23 is also novel and patentable over the cited references.

#### **IV. CONCLUSION**

Having addressed all the outstanding issues, the amendment is believed to be fully responsive. In view of the above, it is respectfully submitted that the application is in condition for allowance and notice to that effect is hereby requested. If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,  
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